

REMARKS

The only issue outstanding in the Office Action mailed December 1, 2003, is the rejection under 35 U.S.C §112. Reconsideration of this issue, in view of the following discussion, is respectfully requested.

Claims 1-39 have been rejected under 35 U.S.C §112, first paragraph. It is argued that the claims do not comply with the written description requirement, in that the recitation of a "non-delaminable" structure, i.e, (resistance to) particular peel forces considered to be non-delaminable, is not taught. Applicants respectfully disagree with this analysis, and respectfully submit that there may some confusion in interpreting the specification. First, it is argued at page 3 of the Office Action that "the examples show that the layers are actually delaminable." In fact, the examples which show delamination, the three covers described in the paragraph bridging pages 13 and 14 of the specification, are covers which were *not* in accordance with the invention, having not received the heat treatment. Moreover, the packages according to the invention which do "peel", do so between the binder layer (6) and the polypropylene container layer (2), as taught in the specification at page 14, lines 21-23 and in Figure 2a. Thus, contrary to the supposition at page 3 of the Office Action, the binder is not delaminable from the cover, but instead remains attached to the cover, with peeling occurring in the binder layer, between the binder and the container. It is submitted that this is clear to one of ordinary skill in the art, particularly in view of the recitation in the specification and the above noted drawings.

Moreover, it is argued at pages 2 and 3 of the Office Action that "undisclosed peel forces" are necessary to characterize a non-delaminable structure. In fact, this is incorrect, inasmuch as the peel forces used in the test are clearly set forth in table 1 of the specification, and at page 14, lines 11-14 of the specification. Indeed, specific peel tests are disclosed in the specification, for example, the two NFT standards at page 14, line 14 of the specification. Thus, Applicants provide excellent guidance at what constitutes a non-delaminable structure, inasmuch as specific forces to be used in testing are given, specific standards to be used in testing are given, and the definition of non-delaminable is clearly taught as pertaining to layers (5) and (6) in the claims and specification.

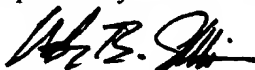
Finally, attention is directed to newly added independent claim 40, which omits the unnecessary "non-delaminable" language. In any event, reconsideration of the rejection is respectfully requested.

The Examiner is thanked for noting an inconsistency in the claims as to the description of the heat treatment. Claim 17 has been clarified, and it is submitted that this portion of the rejection should also be withdrawn.

It is therefore respectfully submitted that the claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, she is cordially invited to telephone the undersigned at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Harry B. Shubin (Reg. No. 32,004)
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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